



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,194	04/09/2004	Yoshihiko Sano	163852020900	8606
7590 06/24/2005			EXAMINER	
Barry E. Bretschneider Morrison & Foerster LLP Suite 300 1650 Tysons Boulevard McLean, VA 22102			MALLARI, PATRICIA C	
			ART UNIT	PAPER NUMBER
			3736	
DATE MAILED: 06/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/821,194	Applicant(s) SANO ET AL.	
	Examiner Patricia C. Mallari	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/19/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claims 2 and 4 are objected to because of the following informalities:

On line 2 of claim 2, "the body" should be replaced with "a body";

On line 11-13 of claim 2, "while being" should be replaced with "and wherein the sliding section is";

On lines 4 and 7 of claim 4, "pivotably" should be replaced with "pivotally";

On lines 4-5 of claim 4, "the other end side" should be replaced with "one end side" since no side of the first body section has previously been claim;

On line 15 of claim 4, "while being" should be replaced with "and wherein the second body section and the third body section are";

On line 16 of claim 4, "the second body section and the third body section" should be deleted. Appropriate correction is required.

Claim 6 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Claim 6 recites "any of claims 1 to 5", wherein claim 4 is also a multiple dependent claim. Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 recites, "a belt member wound around

Art Unit: 3736

part of a human body" on line 3 of the claim. A human body or any part thereof is considered non-statutory subject matter which cannot be positively claimed. In order to overcome this rejection, the applicants should replace "member wound" on line 3 of claim 1 to read "member adapted to be".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,471,657 to Sadritabrizi. Sadritabrizi teaches a blood pressure meter cuff comprising a belt member 11 adapted to be wound about a part of a user's body and a winding length adjusting unit 12, 13, 17, 22, 40, 45 connected to the belt member 11 (figs. 1, 4, 5a & b; col. 4, lines 20-23; col. 7, lines 19-59 of Sadritabrizi). The winding length adjusting unit adjusts a winding length of the blood pressure meter cuff fastener 12, 13, 17, 22, 40, 45 with the belt member 11 thereof around the body part (figs. 5a & b of Sadritabrizi). The unit 12, 13, 17, 22, 40, 45 is provided so as to be capable of selecting one state, which is a measuring winding length state adjusting the blood pressure cuff fastener to a first winding length for measuring a blood pressure in the part of a human body (fig. 5B; col. 7, line 35-49 of Sadritabrizi). Additionally, the unit 12,

Art Unit: 3736

13, 17, 22, 40, 45 is further capable of selecting a mount/demount length state capable of mounting or demounting the blood pressure meter cuff fastener on the part of a human body (fig. 5A; col. 7, lines 24-30 and lines 48-59 of Sadritabrizi). The mount/demount length state of Sadritabrizi may alternatively be considered a non-measuring winding length state depending on the circumference of the user's arm with respect to the winding length in this state, wherein the winding length in this state is longer than the first winding length and may be capable of maintaining a mounting state on the body part in a non-measuring state thereof for a blood pressure (col. 5, lines 16-19 of Sadritabrizi).

It is emphasized that lines 8-9 of claim 1 of the instant application merely recites, "so as to be capable of selecting *one* of three states" (emphasis added).

Regarding claim 2, the winding length adjusting unit 12, 13, 17, 22, 40, 45 has a body section 13, 40 and a sliding section 22 slidably provided to the body section 13, 40 (figs. 2 & 4 of Sadritabrizi). The sliding section 22 is slid in a direction in which the sliding section 22 is accommodated into the body section 13, 40 to thereby enable the measuring winding length state to be acquired (figs. 3, 5B; col. 5, lines 24-30 of Sadritabrizi). The sliding section 22 is also slid in a direction in which the sliding section 22 is released from the body section 13, 40 to thereby enable the non-measuring winding length state to be acquired (figs. 4 and 5B of Sadritabrizi).

Regarding claim 3, the winding length adjusting unit 12, 13, 17, 22, 40, 45 has a first fixing mechanism 45 for selectively fixing the measuring winding length state

Art Unit: 3736

between the body section and the sliding section (fig. 4; col. 6, line 66-col. 7, line 10 of Sadritabrizi).

Allowable Subject Matter

Claims 4 and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 4 and 5, the prior art of record fails to teach or fairly suggest a blood pressure meter cuff fastener comprising a body section having a first body section, a second body section provided pivotally on one end side of the first body section so as to be folded on the first body section, and a third body section provided pivotally on the other side of the second body section from the side on which the first body section thereof is provided so as to be folded on the second body section, in combination with all of the other limitations of the claims. The prior art further lacks the first, second, and third body sections being folded so as to be superimposed one on another to thereby enable the measuring winding length state and the non-measuring winding length state to be acquired, as claimed. Similarly, the prior art lacks the second and third body sections being released from the folding state of the first body section to thereby enable the mount/demount length state to be acquired, as claimed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 4,033,337 to Raczowski.


US Patent No. 6,290,653 to Che et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia C. Mallari whose telephone number is (571) 272-4729. The examiner can normally be reached on Monday-Friday 10:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Patricia Mallari
Patent Examiner
Art Unit 3736


ROBERT L. NASSER
PRIMARY EXAMINER